

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

Upon entry of the instant Amendment, Claims 1-12, 14-19 and 21-27 will be all of the claims presently pending before the Examiner.

The Office is requested to reconsider the outstanding rejections in light of the comments below.

I. Claim Rejections

a. 35 USC 102(b) - Linder et al

Claims 1-7, 10, 11, 13, 15-19, 21-23, and 25-29 stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Linder et al., USPN 5,075,380 (hereinafter "Linder").

As best understood, Linder relates to soft, rubber-like thermoplastically processible polymer alloys based on thermoplastic polyamides and special crosslinked particulate alkyl acrylate copolymer rubber.

Furthermore, Linder is directed toward an alloy containing a copolymer formed of an alkylacrylate (b1); acrylonitrile or alkylmethacrylate (b2); tertiary alkyl(meth)acrylate, (meth)acrylic acid or maleic acid anhydride (b3); and a cross-linking agent.

Unlike Linder, the presently claimed invention's microgel element is a polybutadiene/acrylonitrile (NBR) based material.

In light of the above failing of Linder to teach a nitrile butadiene rubber, the same clearly fails to anticipate the invention and, thus, the rejections should now be withdrawn.

c. Double Patenting

Claims 1-11, 16-19, 21-27 are provisionally rejected under obviousness-type double patenting over claims 1-12, 15-19, and 22-30 of co-pending Application No. 10/573,217 (hereinafter "the '217 application").

Applicants continue to reserve their right to respond to said provisional rejections if and when they are no longer provisional.

II. Conclusion

In summary, it is respectfully submitted that the instant application, including Claims 1-12, 14-19 and 21-27, is presently in condition for allowance. Notice to the effect is earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

The USPTO is hereby authorized to charge any fees, including any fees for an extension of time or those under 37 CFR 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully,

By



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